

APPLICATION FOR UNITED STATES LETTERS PATENT
POST-FILED PCT Declaration and Power of Attorney (35 U.S.C. 371(c)(4))
PCT Application - United States Designated Office

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:
DEVICE FOR DETERMINING FLUCTUATIONS IN END EXPIRATORY GASES, METHOD FOR DETERMINING FLUCTUATIONS IN RESPIRATORY METABOLISM AND THE USE OF SAID DEVICE
 described and claimed in serial number 09/403,940 deposited October 29, 1999, which is the national phase application of international application number PCT/DE98/01172, filed April 28, 1998.

I have reviewed and understand the contents of said specification, including claims.
 I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR §1.56.

I claim priority benefits under 35 USC §119 of: (i) any foreign application(s) for patent or inventor's certificate listed below; or (ii) any United States provisional application(s) listed below; and have also identified below any foreign application(s) for patent or inventor's certificate, or PCT international application having a filing date before that of the application(s) on which priority is claimed.

COUNTRY	APPLICATION NUMBER	DATE (day, month, year)	PRIORITY CLAIMED
Germany	297 07 771.6	29, April, 1997	yes <u>X</u> no <u> </u>

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I appoint the following attorneys to prosecute this application and to transact all business in the U.S. Patent & Trademark Office connected therewith: Leonard Holtz, Reg. No. 22,974; Herbert Goodman, Reg. No. 17,081; Thomas Langer, Reg. No. 27,264; Marshall J. Chick, Reg. No. 26,853; Richard S. Barth, Reg. No. 28,180; Douglas Holtz, Reg. No. 33,902; and Robert P. Michal, Reg. No. 35,614.

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INVENTOR: SIGNATURE	DATE	RESIDENCE AND POST OFFICE ADDRESS
1-00 Sign: <u>[Signature]</u> Type: <u>Ludwig WILDT</u>	Date: <u>25/11/1999</u> Citizen of: <u>Germany</u> <u>Herzogenaurach</u>	Residence: (City & Country) <u>Herzogenaurach, Germany</u> <u>DEX</u> Post Office Address: <u>Haundorfer Str. 2b</u> <u>D-91074 Herzogenaurach</u> <u>GERMANY</u>
2-00 Sign: <u>[Signature]</u> Type: <u>Peter LICHT</u>	Date: <u>25/11/1999</u> Citizen of: <u>Germany</u> <u>Bubenreuth</u>	Residence: (City & Country) <u>Bubenreuth, Germany</u> <u>DEX</u> Post Office Address: <u>Dompfaffstr. 25 2.</u> <u>D-91088 Bubenreuth</u> <u>GERMANY</u>
3-00 Sign: <u>[Signature]</u> Type: <u>Matthias MICHEL</u>	Date: <u>20.12.99</u> Citizen of: <u>Germany</u> <u>Oberursel</u>	Residence: (City & Country) <u>Oberursel, Germany</u> <u>DEX</u> Post Office Address: <u>K.-H.-Flach-Str. 32</u> <u>D-61440 Oberursel</u> <u>GERMANY</u>

Applicant: Ludwig WILDT et al.

Attorney's Docket No: 990667/RSB

Serial No.: 09/403,940

Filed: Deposited on October 29, 1999

Title: DEVICE FOR DETERMINING FLUCTUATIONS IN END EXPIRATORY GASES, METHOD FOR DETERMINING FLUCTUATIONS IN RESPIRATORY METABOLISM AND THE USE OF SAID DEVICESTATEMENT CLAIMING SMALL ENTITY
STATUS (37 CFR 1.9(f) and 1.27(b) - INDEPENDENT INVENTOR

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under 35 USC 41(a) and 41(b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention described in

1. ☐ the specification filed herewith; or
☒ application above identified; or
☐ patent above identified.
2. ☒ Other than among the coinventors set forth hereinbelow, we have not assigned, granted, conveyed or licensed and are under no obligation under contract or law to assign, convey or license, any rights in the invention.
3. ☐ Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey or license any rights in the invention and who is entitled to pay reduced fees under 35 USC 41(a) and 41(b), is listed below:

*NOTE: Separate qualified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

FULL NAME WILDT, LudwigADDRESS Haundorfer Str.2b, D-91074 Herzogenaurach, DE☒ INDIVIDUAL☐ SMALL BUSINESS CONCERN☐ NONPROFIT ORGANIZATIONFULL NAME MICHEL, MatthiasADDRESS K.-H.-Flach-Str.32, D-61440 Oberursel, DE☒ INDIVIDUAL☐ SMALL BUSINESS CONCERN☐ NONPROFIT ORGANIZATIONFULL NAME LICHT, PeterADDRESS Dompfaffstr.5, D-91088 Bubenreuth, DE☒ INDIVIDUAL☐ SMALL BUSINESS CONCERN☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Ludwig WILDT
NAME OF INVENTORPeter LICHT
NAME OF INVENTORMatthias MICHEL
NAME OF INVENTOR

Signature of Inventor

Signature of Inventor

Signature of Inventor

Date

Date

Date